

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISION**

CHRISTOPHER SEAMAN *et al.*

Plaintiffs,

v.

The COMMONWEALTH OF VIRGINIA; *et al.*

Defendants.

Case No. 3:22-cv-00006-NKM

**PLAINTIFFS' SUPPLEMENT TO
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

On February 1, 2022, Plaintiffs filed a Complaint under the Americans with Disabilities Act and Section 504 of the Rehabilitation Act. The Complaint challenges Executive Order 2, which prohibits Virginia public schools from requiring students to wear masks to prevent the spread of COVID under any circumstances. On February 10, 2022, Plaintiffs moved for a Temporary Restraining Order or Preliminary Injunction to enjoin enforcement of Executive Order 2 pending resolution of this litigation. On February 16, 2022, S.B. 739, which codifies Executive Order 2 into Virginia law, was enacted and signed by the Governor. Va S.B. 739 (2022 Session, Feb. 16, 2022); to be published at Va. Code Ann. § 22.1-2.1 (2022). S.B. 739 will go into effect March 1, 2022. It threatens the same violations of federal law and the same irreparable harms as Executive Order 2. On February 18, Plaintiffs filed a First Amended Complaint, adding S.B. 739 to their claims. Now Plaintiffs' file this Supplement to their Motion for Temporary Restraining Order and Preliminary Injunction to add S.B. 739 as a subject of Plaintiffs' requested injunction, to detail harm to Plaintiffs arising from S.B. 739 after Plaintiffs' original motion was filed, including harm to Plaintiff M.K., who did not previously move for preliminary injunctive relief, and to supply additional relevant caselaw since the original filing.

Plaintiffs can demonstrate that they are likely to succeed on the merits because Defendants, via both Executive Order 2 and S.B. 739, are discriminating against students with disabilities in violation of federal law; Plaintiffs are likely to suffer irreparable harm in the absence of preliminary relief; the balance of equities tips in Plaintiffs' favor; and an injunction is in the public interest.

This motion is supported by a supplemented memorandum of law which will be filed contemporaneously.

Dated: February 22, 2022

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of February 2022, I filed the foregoing document with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to all parties of record.

/s/ Eve L. Hill

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